

REMARKS/ARGUMENTS

Claims 11-13, 15-22 and 24-28 are active in this application. Support for the amendment to Claim 11 is found on page 4, line 4 of this application. No new matter is added by this amendment.

Applicants thank the Examiner for indicating that Claims 20-22 and 24-28 are allowable (page 4 of the Official Action). Applicants also thank Examiner Nickol for the courteous discussion granted to the Applicants' undersigned representative. During this discussion, it was pointed out that Almeida does not suggest that the microparticle employed in the present method would be absorbed through the nasal mucosa 400,000 times more than through the intestinal mucosa. Further, it was explained that while Almeida on page 457, col. 1 describes that "the nasal administration of drugs exploits the higher permeability of nasal mucosa when compared to other mucosal surfaces," Almeida also describes that "the mechanism of solid particle uptake by the nasal mucosa is similar to that found in the gut." (see Almeida at page 461, col. 2). Taken as a whole, Almeida suggests that administration of a particulate system, such as the polystyrene described in Almeida and the microparticle in the invention, would have similar rates of uptake based on the similar mechanisms of uptake. Even assuming for arguments sake that the Examiner's position that Almeida suggests that nasal administration may result in a higher rate of uptake, there is certainly no reasonable suggestion that the microparticles employed in the claimed method would be absorbed 400,000 times more through the nasal mucosa relative to the intestinal mucosa. Certainly this level of difference was not suggested by the combination of art cited. Further guidance on this point is found in MPEP § 716.02 (a), which states that GREATER THAN EXPECTED RESULTS ARE EVIDENCE OF NONOBVIOUSNESS.

To reflect that the absorption through the nasal mucosa is more than the intestinal mucosa, Claim 11 has been amended accordingly.

In view of the foregoing and the data demonstrating greater than expected results, Applicants respectfully request withdrawal of the rejection Claims 11-13 and 15-19 under 35 U.S.C. § 103(a) over Smith in view of Almeida.

Applicants also request allowance of this application. Early notice of such allowance is requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



Daniel J. Pereira, Ph.D.
Registration No. 45,518